

MONTANA LEGISLATIVE HISTORY

23
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Chapter 130 19 81

Bill H 54 S _____ Original bill & history ☒ c

H. Committee on Local Government

Hearing Date(s) Jan 15 ☒ c

Jan 20 ☒ c

_____ ☐ c

_____ ☐ c

Date Out Jan 20 ☒ c

S. Committee on Local Government

Hearing Date(s) Mar 01 ☒ c

_____ ☐ c

_____ ☐ c

_____ ☐ c

Mar 01 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HB 51--NOROTVEDT, VINCENT, METCALF, ET AL--TO REVISE THE MILK CONTROL LAWS AND TO END REGULATION OF MINIMUM MILK PRICES....

FISCAL NOTE: REQUIRED

PREFILED AND REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 12/30/80

HEARING: 1/19

REPORT: DO NOT PASS, 1/20

MINORITY REPORT: DO PASS, 1/21

SUBSTITUTE MOTION THAT MINORITY REPORT BE ADOPTED AND THAT BILL BE PLACED ON 2ND READING.

YEAS: 53; NAYS: 45

2ND READING: 1/27, SUBSTITUTE MOTION, DO NOT PASS

YEAS: 52; NAYS: 46

BILL KILLED ON 2ND READING: 1/27

HB 52--FEDA--TO CLARIFY THE REVISED MONTANA UNIFORM GIFTS TO RECIPIENT ACT....

PREFILED AND REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 12/31/80

HEARING: 1/14

REPORT: DO PASS AS AMENDED, 1/14

2ND READING: 1/16 YEAS: 93; NAYS: 0

3RD READING: 1/17 YEAS: 88; NAYS: 0

TRANSMITTED TO SENATE: 1/17

REFERRED TO COMMITTEE ON JUDICIARY: 1/19

HEARING: 2/3

REPORT: 2/3, BE CONCURRED IN, AS AMENDED

2ND READING: 2/5, BE CONCURRED IN

3RD READING: 2/7, YEAS: 48; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 2/7

2ND READING: 2/10 YEAS: 82; NAYS: 0

3RD READING: 2/11 YEAS: 93; NAYS: 2

TRANSMITTED TO GOVERNOR: 2/13

ACTION: SIGNED, 2/17

CHAPTER 8

HB 53--MANNING--TO PROVIDE THAT CERTAIN COUNTY COMMISSIONERS BE NOMINATED AND ELECTED AT LARGE RATHER THAN BY DISTRICT.

PREFILED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 12/14/80

HEARING: 2/5

REPORT: DO NOT PASS, 2/10

REPORT: ADOPTED, 2/12

BILL KILLED: 2/12 YEAS: 66; NAYS: 28

HB 54--HURWITZ--TO ALLOW MUNICIPALITIES TO SELECT THE APPROPRIATE ANNEXATION PROCEDURE....

PREFILED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 12/14/80

HEARING: 1/15

REPORT: DO PASS, 1/20

2ND READING: 1/23 YEAS: 83; NAYS: 6

3RD READING: 1/24 YEAS: 66; NAYS: 6

TRANSMITTED TO SENATE: 1/24

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/26

HEARING: 3/7

REPORT: 3/9, BE CONCURRED IN

2ND READING: 3/10, BE CONCURRED IN

3RD READING: 3/12, YEAS: 50

RETURNED TO HOUSE: 3/12

TRANSMITTED TO GOVERNOR: 3/18

ACTION: SIGNED, 3/23

CHAPTER 130

FABREGA--PRESCRIBING CONDITIONS UNDER WHICH LAND IS PRESUMED TO
ANNEXED AND MAY BE SO RECORDED.

PREFILED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 12/30/80

HEARING: 1/15

REPORT: DO PASS, 1/15

2ND READING: 1/19 YEAS: 88; NAYS: 4

3RD READING: 1/20 YEAS: 90; NAYS: 8

TRANSMITTED TO SENATE: 1/20

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 1/21

HEARING: 3/7

REPORT: 3/9, BE CONCURRED IN

2ND READING: 3/10, BE CONCURRED IN

3RD READING: 3/12, YEAS: 50

RETURNED TO HOUSE: 3/12

TRANSMITTED TO GOVERNOR: 3/18

ACTION: SIGNED, 3/20

CHAPTER 109

KESSLER--DELETING RESTRICTIONS ON ANNEXATION OF LAND USED FOR
HOSPITAL, MANUFACTURING, AND OTHER PURPOSES.

PREFILED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 12/30/80

HEARING: 1/20

REPORT: DO NOT PASS, 1/27

MINORITY REPORT: DO PASS, 1/27

SUBSTITUTE MOTION THAT THE MINORITY REPORT BE ADOPTED AND THE
BILL PLACED ON 2ND READING: 1/29

YEAS: 46; NAYS: 44

2ND READING: 1/31, ON MOTION, PASSED FOR THE DAY.

2ND READING: 2/2, ON MOTION, PASSED FOR THE DAY.

2ND READING: 2/3, ON MOTION, PASSED FOR THE DAY.

2ND READING: 2/5, YEAS: 57; NAYS: 41

3RD READING: 2/7, YEAS: 42; NAYS: 57

BILL KILLED ON 3RD READING: 2/7

MOTION TO RECONSIDER ACTION, 2/7, YEAS: 58; NAYS: 41

MOTION TO PLACE THE BILL BACK ON 2ND READING FOR THE PURPOSE OF
FURTHER DEBATE: 2/7 YEAS: 85; NAYS: 4

2ND READING: 2/9, YEAS: 56; NAYS: 41

3RD READING: 2/11, YEAS: 53; NAYS: 44

TRANSMITTED TO SENATE: 2/11

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/12

HEARING: 3/24

REPORT: 3/30, ADVERSE REPORT ADOPTED

YEAS: 29; NAYS: 18

BILL KILLED IN COMMITTEE

LAZZARA, S. BROWN, FABREGA--TO DELETE CERTAIN RESTRICTIONS ON THE
ANNEXATION OF WHOLLY SURROUNDED LAND....

PREFILED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 12/31/80

HEARING: 2/3

HOUSE BILL NO. 54

INTRODUCED BY HURWITZ

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

IN THE HOUSE

January 6, 1981	Introduced and referred to Committee on Local Government.
January 21, 1981	Committee recommend bill do pass. Report adopted.
January 22, 1981	Bill printed and placed on members' desks.
January 23, 1981	Second reading, do pass.
January 24, 1981	Considered correctly engrossed.
	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

January 26, 1981	Introduced and referred to Committee on Local Government.
March 9, 1981	Committee recommend bill be concurred in. Report adopted.
March 10, 1981	Second reading, concurred in.
March 12, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 13, 1981	Returned from Senate. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 54
2 INTRODUCED BY HURWITZ
3 BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
6 TO SELECT THE ANNEXATION PROCEDURE APPROPRIATE TO EACH
7 ANNEXATION SITUATION; AMENDING SECTIONS 7-2-4204, 7-2-4304,
8 7-2-4403, 7-2-4505, 7-2-4609, AND 7-2-4718, MCA."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Section 7-2-4204, MCA, is amended to read:
12 "7-2-4204. Applicability of part. (1) When the
13 proceedings for annexation of territory to a municipality
14 are instituted as provided in this part, the provisions of
15 this part and no other apply, except where otherwise
16 explicitly indicated.
17 (2) The governing body of the municipality to which
18 territory is proposed to be annexed may in its discretion
19 select one of the annexation procedures in parts 42 through
20 47 that is appropriate to the circumstances of the
21 particular annexation. The municipal governing body must
22 then follow the specific procedures prescribed in the
23 appropriate part."
24 Section 2. Section 7-2-4304, MCA, is amended to read:
25 "7-2-4304. Applicability of part. (1) When the

1 proceedings for annexation of territory to a municipality
2 are instituted as provided in this part, the provisions of
3 this part and no other apply, except where otherwise
4 explicitly indicated.
5 (2) The governing body of the municipality to which
6 territory is proposed to be annexed may in its discretion
7 select one of the annexation procedures in parts 42 through
8 47 that is appropriate to the circumstances of the
9 particular annexation. The municipal governing body must
10 then follow the specific procedures prescribed in the
11 appropriate part."
12 Section 3. Section 7-2-4408, MCA, is amended to read:
13 "7-2-4408. Applicability of part. (1) When the
14 proceedings for annexation of territory to a municipality
15 are instituted as provided in this part, the provisions of
16 this part and no other apply, except where otherwise
17 explicitly indicated.
18 (2) The governing body of the municipality to which
19 territory is proposed to be annexed may in its discretion
20 select one of the annexation procedures in parts 42 through
21 47 that is appropriate to the circumstances of the
22 particular annexation. The municipal governing body must
23 then follow the specific procedures prescribed in the
24 appropriate part."
25 Section 4. Section 7-2-4505, MCA, is amended to read:

"7-2-4505. Applicability of part. (1) When the proceedings for annexation of territory to a municipality are instituted as provided in this part, the provisions of this part and no other apply, except where otherwise explicitly indicated.

~~(2) The governing body of the municipality to which territory is proposed to be annexed may in its discretion select one of the annexation procedures in parts 42 through 47 that is appropriate to the circumstances of the particular annexation. The municipal governing body must then follow the specific procedures prescribed in the appropriate part."~~

Section 5. Section 7-2-4609, MCA, is amended to read:

"7-2-4609. Applicability of part. (1) This part does not repeal parts 43 and 45 having reference to extension of the corporate limits of cities of the first, second, and third classes to include contiguous land but provides an alternative method ~~that the municipal governing body may in its discretion choose to use~~ for the annexation of territory or territories to municipal corporations.

(2) When any proceedings for annexation of territory or territories to any municipal corporation are commenced under this part, the provisions of this part and no other apply to such proceedings.

(3) When the proceedings for annexation of territory to

a municipality are instituted as provided in this part, the provisions of this part and no other apply, except where otherwise explicitly indicated."

Section 6. Section 7-2-4718, MCA, is amended to read:

"7-2-4718. Construction. (1) The method of annexation authorized in this part is independent from other methods of annexation authorized by state law.

~~(2) The governing body of the municipality to which territory is proposed to be annexed may in its discretion select one of the annexation procedures in parts 42 through 47 that is appropriate to the circumstances of the particular annexation. The municipal governing body must then follow the specific procedures prescribed in the appropriate part."~~

-End-

MINUTES OF THE MEETING OF LOCAL GOVERNMENT COMMITTEE
January 15, 1981

The meeting of the Local Government Committee was held January 15, 1981 at 12:30 p.m. in room 103. CHAIRMAN VERNER BERTELSEN called the meeting to order. All committee members were present, including Staff Researcher Lee Heiman.

CHAIRMAN BERTELSEN opened the hearing on HOUSE BILL 54.

REP. HURWITZ, sponsor of HB 54; introduced the bill to the committee. This bill allows municipalities to select the annexation procedure appropriate to the particular annexation. The municipal governing body must follow the specific procedure described in the appropriate part.

PROPOSERS:

DAN MIZNER of the Montana League of Cities and Towns;
MARGARET DAVIS of the League of Women Voters of Montana;
ROYAL JOHNSON, Deputy Mayor of Billings;
JAN DOLAN, representing the City of Great Falls; and
DAVE FISHER, Montana Volunteer Firemen's Association of Missoula, had no objection to the bill.

R. A. ELLIS, Montana State Volunteer Firemen's Association and a volunteer of the West Helena Fire District, had no objections.

ART KORN, Secretary-Treasurer of the Montana State Volunteer Firemen's Association had no objections.

OTHER proponents present at the hearing are listed on the attached visitor register.

OPPOSERS:

ROBERT N. HELDING, an attorney and Executive Director of the Montana Wood Products Association said they are concerned about no exemptions for industrial or agricultural land. If a city chooses to take that method, there would be no exemptions to annexation. Is that the intent of this law?

REP. HURWITZ: No, there is other legislation which will accomplish this.

DEBRA SCHMIDT, staff person for the study committee on annexation, said that once a municipality chooses which procedure it is going to follow, it must be followed. Last session, REP. KESSLER introduced a bill which said that the Planned Community Development Act would no longer supercede all other annexation procedures. After passage of the Bill, city officials said they were unsure how, since there were separate procedures, they'd decide which one to use when more than one procedure fits a given situation.

MR. HELDING: If the Planned Development Act is one of the chosen procedures, could a city annex any industrial land which is now exempted?

ANSWER: Yes.

As there were no further opponents, REP. HURWITZ closed the hearing on HB 54.

MR. HURWITZ said the Planned Community Development Act was envisioned to provide planned, orderly development for cities and urban areas. You now have some protection.

QUESTIONS:

REP. PISTORIA thinks this is a good bill. He wondered if the other bills that Mr. Holding mentioned DO PASS, would this bill go into effect. ANSWER: Yes.

CHAIRMAN BERTELSEN: Mr. Holding, if this bill passes and the city chooses that development act, would there be any recourse for the industrial development of the community?

MR. HOLDING: Yes. There are two bills in the hopper that would take away that exemption. At present we cannot annex agricultural land or land used for industrial purposes.

REP. HURWITZ: Does this bill refer to only the eight bills which are currently in the statutes or would it include other bills that may come later?

DEBBIE SCHMIDT: This bill is independent of any other bills enacted. If the Committee and the Legislature chose to act on all of them, they would all inter-relate. The reason the Committee wanted to introduce eight separate bills was because they felt that each of the eight proposals had individual merit. If this bill and other bills eliminating the exemption pass, there would be NO exemption for agricultural or forest land.

REP. KESSLER: If the Planned Community Development Act now in force has been enacted, how will this bill make it any different? What is the distinction?

MR. HOLDING: It takes away the exemption.

REP. KESSLER: Where specifically does HB 54 take away the exemption?

MR. HOLDING: It takes away the exemption because it authorizes one of the avenues of annexation under Section 5 of the Act.

CHAIRMAN BERTELSEN: I think what Mr. Holding is trying to say is that under the present system you don't have to follow a plan. There are exemptions you can take, but once you have chosen a plan, you stick to it only.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME ANT. BROWN BILL NO. 59445

ADDRESS 191 S. B. ST. DATE 1/1

WHOM DO YOU REPRESENT ANT. BROWN

SUPPORT OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: NO OBJECTIONS

NAME R. H. Ellis BILL NO. HB 55 57
ADDRESS 1735 Sierra Helena Mt DATE 1/15/81
WHOM DO YOU REPRESENT Mont State Col. Firearms Assn
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: No objections to these Bills

NAME John J. Smith BILL No. HB 97-55-5
ADDRESS 101 S. 1st St. St. Paul, Minn. DATE 1-15-61
WHOM DO YOU REPRESENT Member of the Iowa House of Representatives
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Mr. C. J. Smith

STATEMENT PRESENTED BY DEPUTY MAYOR ROYAL JOHNSON, PRESENTED TO THE HOUSE COMMITTEE ON LOCAL GOVERNMENT, ON JANUARY 15, 1981, REGARDING HOUSE BILLS 58, 59, 54 AND 55 DEALING WITH ANNEXATION.

My name is Royal Johnson, Deputy Mayor of Billings, Montana, and I appear before you today on behalf of the City Council of Billings. The City of Billings has been very active in the study that took place by the Interim Committee reviewing Montana's annexation laws during the past two years. In particular, we appreciated the Committee holding one of the meetings in Billings on this important study.

The City of Billings supports HOUSE BILLS 54, 55 and 58. We also support part of the provisions in HOUSE BILL 59. I will make a comment on each bill.

HOUSE BILL 54 clarifies the procedure that we think is part of the law already in that it allows the governing body of a city to select the statute and procedure that we will use for annexation, in those instances where more than one of the annexation procedures is applicable to a particular annexation. In Billings, we have been following this procedure and this would clarify this issue. There certainly needs to be a separate procedures to annex areas entirely surrounded by the City as opposed to areas on the outskirts of the City that are in early stages of development.

HOUSE BILL 55 simply would allow tracts of land that have been annexed and been treated as annexed property for 7 years even though there may have been some minor problems in the procedure used by that City. It seems to me that this is a housekeeping law that should be adopted.

HOUSE BILL 58 requiring cities to adopt a plan that would indicate the services that would be provided by the City and the time table for these services. The City of Billings thinks there should be a plan to provide all the municipal services to an area before it is annexed. Billings, as is the case in most other cities, feels the improvements to serve a particular area have to be funded by that area either

through special improvement bonds or private financing which places the responsibility back on the affected land owners. Except in rare instances, the revenues derived by a city from a newly annexed area are not sufficient to cover the operating costs of those services for several years. There certainly needs to be a plan acceptable to both the city and the land owners if we are to have the orderly development of our cities within our financial capacity. We support HOUSE BILL 58.

HOUSE BILL 59, which would eliminate the distinction between rights of resident and non-resident freeholders, and eliminates the distinction between the class of cities. The City of Billings feels that the annexation problems and needs of all cities are similar and only differ in scale and, therefore, the procedure should be the same in all classes of cities. On the other hand, we do take strong exception to the provision that gives non-resident freeholders the same right of protest as resident freeholders. In many instances, the land owned around cities is owned by absentee owners, in some cases, corporations, in some other states (particularly Minnesota and Colorado). It doesn't seem reasonable that we should give these non-residents the right to control the orderly growth of our cities and towns. The provision that has been in existence in first class cities since 1925 is working well and has been upheld by the courts, and we urge you to reject this section of HOUSE BILL 59.

I thank you for the opportunity to appear before you.

EXECUTIVE SESSION:

HOUSE BILL 54- REP. KITSELMAN recommended that HB 54 DO PASS, seconded by Rep. Sales.

Question: All present voted "aye", with the exception of Rep. Gould who voted "no".

HOUSE BILL 59- REP. BERGENE moved that HOUSE BILL 59 DO NOT PASS.

REP. SWITZER opposes the bill as he wants to protect private property rights of those who do not live on the land. REP. ANDREASON feels any individual who pays taxes should have some say as to what happens to land. He also opposes the DO NOT PASS motion.

REP. WALDRON: We must admit that a lot of the land is corporate land and I support HB 59.

REP. BERTELSEN said if corporations are going to be permitted to vote, they should be subject to the rules of annexation. Since they have had no vote, there may be an effect on the total package.

REP. BERGENE: I don't think it should be necessary to run down non-resident landowners. I come from a first class city and this would entail too much time.

REP. DUSSAULT commented that if we take the time to run down the landowners, we are providing them with power. Don't you feel they should have the same privileges as the resident freeholder. We'd be creating a bigger obstacle than we now have.

REP. MATSKO asked Rep. Bergene if we should allow the city the ultimate right of annexation without looking up the non-resident landowners. The city does enjoy the right that they can annex without the non-resident landowner's consent.

REP. SWITZER said taxes on all property must be paid annually or they become delinquent. If the taxes are paid annually, there is some source of entity with the owner of the land. We cannot ignore him just because he isn't always available.

REP. KITSELMAN said the important thing is that you notify every property owner within 300 feet of the annexation. It would be a total neglect not to let the person express their view either for or against annexation.

STANDING COMMITTEE REPORT

January 20, 1913

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 54

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES TO SELECT THE ANNEXATION PROCEDURE APPROPRIATE TO EACH ANNEXATION SITUATION; AMENDING SECTIONS 7-2-4204, 7-2-4304, 7-2-4409, 7-2-4505, 7-2-4609, AND 7-2-4718, MCA."

Respectfully report as follows: That HOUSE Bill No. 54

DO PASS

Senator Van Valkenburg asked how we are going to change the federal definition of floodplain by changing the state definition.

Mr. Spengler said the state has gone farther in its definition of floodplain.

Senator O'Hara called on Mr. Decker to add to this.

Mr. Decker said if we pass the bill the people will be eligible for flood insurance in zone B. The alternative is if we do not pass the resolution, then they will not issue any more insurance and retract insurance from people who now have policies.

Senator McCallum asked if the county commissioners adopt the floodplain proposed by the federal government, will people who build in that area be able to receive flood insurance and until the county commissioners adopt the designated floodplain they cannot receive insurance.

Mr. Decker said he thinks that is right.

Senator Ochsner asked Representative Donaldson how far this was from the city limits or how close to being incorporated.

Representative Donaldson said it is about a mile from the city limits and annexation is barred in the foreseeable future.

Senator Ochsner asked if that would shut off city sewer and water until they got their own district.

Representative Donaldson said there has been a great concern with the people living in the area. Some have given thought to doing this. The cost is too high for the density of the area.

CONSIDERATION OF HOUSE BILL NO. 54:

AN ACT TO ALLOW MUNICIPALITIES TO SELECT THE
ANNEXATION PROCEDURE APPROPRIATE TO EACH
ANNEXATION SITUATION.

Representative Hurwitz, District No. 54, said this bill was introduced at the request of the study committee on annexation laws. It is a fairly simple bill. It asks that the governing body of a municipality may select an annexation procedure in parts 42 through 47 that is appropriate to the circumstances of that particular annexation. The municipal governing body must follow the specific procedures prescribed in the appropriate part. There are eight methods, currently, by which annexation may be accomplished. He urged a do pass.

Dan Mizner of the League of Cities and Towns supports the bill. It clarifies the law. If they follow this, people will know what is going on.

Dennis Taylor, city of Helena, said this bill clearly outlines the procedures they have been following since last session. This just makes it clear. It is a restatement of what they did last session.

Margaret Davis of the League of Women Voters supports the bill.

Al Thelen of the city of Billings supports the bill.

There were no opponents of the bill appearing before the committee.

Representative Hurwitz made brief closing remarks.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 55:

AN ACT PRESCRIBING CONDITIONS UNDER WHICH
LAND IS PRESUMED TO BE ANNEXED AND MAY BE
SO RECORDED.

Representative Fabrega, District No. 44, said this bill was introduced at the request of the interim committee on annexation. It sets forth conditions under which land is presumed to be annexed and recorded.

Dennis Taylor, city of Helena, supports the bill.

Dan Mizner of the League of Cities and Towns said there are areas where it happened in the cities. They have been paying taxes for years and someone decided to sell their property and found out they were not officially in the city. He supports the bill.

Margaret Davis of the League of Women Voters supports the bill.

There were no opponents of the bill appearing before the committee.

There were no questions from the committee.

CONSIDERATION OF HOUSE BILL NO. 58:

AN ACT RELATING TO THE PROVISION OF SERVICES
BY MUNICIPALITIES TO NEWLY ANNEXED AREAS.

Representative Kessler, District No. 66, was the chief sponsor of the bill. It is a noncontroversial bill that guarantees

Senator McCallum then called for questions from the committee.

Senator Ochsner asked what a transportation district was for.

Representative Kemmis said there was a law passed in 1975 for a situation that occurred in Missoula. An urban area outside the city limits wanted a transportation system so they had to set up a special district outside the city limits.

Mr. Howell said one problem is that the urban transit district services larger areas than the community itself. It is a large district that contains a substantial amount of territory.

Senator Conover asked if this would apply to the Billings Heights area in Billings where they petitioned to run a bus out.

Representative Kemmis said his understanding was that Billings does not have a district under this law.

Al Thelen said they do not go outside the city. They go into the Heights area but not outside city limits. They do have an interlocal agreement.

DISCUSSION OF HOUSE BILL NO. 479: Senator Van Valkenburg asked if we could wait until Tuesday on this bill.

Senator McCallum said we should adopt the amendment if we are going to consider passing the bill.

Senator Conover made a motion to adopt the amendment which provided for an immediate effective date.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 54: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 55: Senator Thomas moved the bill be concurred in.

The motion carried unanimously.

DISPOSITION OF HOUSE BILL NO. 58: Senator Van Valkenburg said in the provision on lines 17 and 18 on page 1 the House had changed "or" to "and" and they are saying "otherwise mutually agreed upon." That facilitates annexation to some degree without providing as much service. Would there be an ordinance that those people would not be taxed for services not provided?

LOCAL GOVERNMENT COMMITTEE

Date 3/7/81

Each day attach to minutes.

MARCH 7, 1981

BILL NO. HB54

Check One

REPRESENTING

Support	Oppose
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[illegible]

(Please leave prepared statement with Secretary)

SENATE COMMITTEE ON LOCAL GOVERNMENT

Date 3/7/81 House Bill No. 54 Time 12:30

NAME	YES	NO
Senator George McCallum	✓	
Senator Jesse O'Hara	✓	
Senator H. W. Hammond	Excused	
Senator J. Donald Ochsner	✓	
Senator Bill Thomas	✓	
Senator Max Conover	✓	
Senator Fred Van Valkenburg	✓	

Gail Stockwell
Secretary, Gail Stockwell

George McCallum
Chairman, GEORGE MCCALLUM

Motion: Senator Thomas moved the bill be
concurred in

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 7

19 81

PRESIDENT

MR.

LOCAL GOVERNMENT

We, your committee on

HOUSE

having had under consideration Bill No. 54

HURWITZ (THOMAS)

HOUSE

Respectfully report as follows: That Bill No. 54

sc.
BE CONCURRED IN

~~DO PAGE~~